

**NEW HAMPSHIRE EXECUTIVE BRANCH
ETHICS COMMITTEE**

**OFFICE OF THE ATTORNEY GENERAL
ROOM 302**

**September 3, 2008
8:00 AM**

Meeting called to order by Chairwoman Deborah Schachter.

Present: Deborah Schachter, Patricia Quigley, Karol LaCroix, John Blair, Alan Johnson

Absent: Dale Kuehne, one vacant position

Also Present: Associate Attorney General Richard Head
Member of oversight board
Richard Nusbaum, Attorney - administrative rules consultant
Member of the public

- The committee reviewed the draft minutes of the August 13, 2008 meeting and a minor revision was made. The committee approved the revised minutes.
- The following Draft Advisory Opinions were considered:

Advisory Opinion 2008-0XX

May members of a board vote on targeting of funds if their employer organization has submitted a request for proposal, but was not awarded the contract?

May members of a board vote on targeting of funds if the organization that appointed the board member has submitted a request for proposal, but the board member is not employed by the appointing organization?

The oversight board member gave a brief synopsis of the board, the board's establishment and reasons for the board's request for an opinion. The board member and the committee held a lengthy discussion regarding contract process, criteria for winning bids, the board's role, the process used when the board learned there would be a budget shortage, and allocation of funds. The board member distributed a document regarding the board's governance outline to the committee. The committee discussed interests involved (different levels of fiduciary interests and personal interests), similar issues for other state ethics

committees, and the board's role now and going forward. Attorney Head will revise the draft opinion consistent with the committee's conclusions.

Advisory Opinion 2008-0XX

May the chairperson of an executive branch licensing board use his or her government title for commercial purposes, while that person is employed by, or in an appointed position for the state?

The committee discussed what they consider different levels of advertising: direct (promotion of personal business/interest), testimonial (for a business that is not your own), e.g. posting your resume online, and "middle ground". Attorney Head will revise the draft opinion regarding the purpose/effect of an advertisement and levels of advertising.

- **Complaint regarding town owned hangar**

The committee reviewed and discussed the draft letter declining jurisdiction over the complaint. Deborah Schachter signed it on behalf of the committee.

- **Proposed Administrative Rules**

The committee and Richard Nusbaum discussed draft rules regarding private interests, conflict of interest, financial interests, direct interests, personal interests, familial interests, and commercial interests. The committee discussed to what degree of specificity they want the rules to be. A lengthy discussion was held regarding makeup of the committee, designation of alternates, and party affiliation. Mr. Nusbaum suggested the committee review the section of the draft rules regarding advisory opinions for discussion at the next meeting. He will further revise the draft rules for discussion at the next meeting.

- The next meeting will be held on October 1, 2008.

Meeting adjourned at 10:25 a.m.

Respectfully Submitted

Kara-Lee Bean

Kara-Lee Bean
Recording Secretary